

MAY 20 2002

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**U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE**

ATTY. DOCKET NO.  
CUB-5

**SERIAL NO.**  
09/737,908

**MAY 16 2002**

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

**APPLICANTS**  
Jason Hill et al.

CONFIRMATION NO: 2440






**FILING DATE**  
12/15/2000

**GROUP**  
1614

U.S. PATENT DOCUMENTS

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EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	EP 095 295A	11/30/83	EPO				
	EP 178 152A	04/16/86	EPO				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER INITIAL	OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)
JL	Tally, F.P. et al., "Daptomycin: a Novel Agent for Gram-positive Infections," <i>Exp. Opin. Invest. Drugs</i> 8: 1223-1238 (1999).

EXAMINER

DATE CONSIDERED

12/10/04

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1653

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
DL	RE 32,310	12/16/1986	Debono	530	317	
DL	RE 32,311	12/16/1986	Debono	530	317	
X	<del>4,390,543</del>	<del>08/02/1983</del>	<del>Debono</del>	<del>260</del>	<del>112.5R</del>	
X	<del>4,399,007</del>	<del>08/16/1983</del>	<del>Debono</del>	<del>260</del>	<del>112.5R</del>	
X	<del>4,402,487</del>	<del>11/13/1984</del>	<del>Abbott et al.</del>	<del>260</del>	<del>112.5R</del>	
X	<del>4,524,135</del>	<del>06/18/1985</del>	<del>Abbott et al.</del>	<del>435</del>	<del>69</del>	
X	<del>4,537,717</del>	<del>08/27/1985</del>	<del>Abbott et al.</del>	<del>260</del>	<del>112.5R</del>	
X	<del>5,573,936</del>	<del>11/12/1996</del>	<del>Kreuzman et al.</del>	<del>435</del>	<del>106</del>	
DL	5,629,288	05/13/1997	Lattrell et al.	514	9	
DL	5,912,226	06/15/1999	Baker et al.	514	9	

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EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
DL	0 885 957 A1	12/23/1998	EP				
DL	WO 99/43700	9/2/1999	PCT				

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER INITIAL	
DL	Alborn, W. E. Jr. et al., "Daptomycin Disrupts Membrane Potential in Growing <i>Staphylococcus aureus</i> ," <i>Antimicrobial Agents and Chemotherapy</i> 35: 2282-2287 (1991).
DL	Allen, N. E. et al. "Inhibition of Peptidoglycan Biosynthesis in Gram-Positive Bacteria by LY146032," <i>Antimicrobial Agents and Chemotherapy</i> 31: 1093-1099 (1987).
DL	Allen, N. E. et al. "Inhibition of Membrane Potential-Dependent Amino Acid Transport by Daptomycin," <i>Antimicrobial Agents and Chemotherapy</i> 35: 2639-2642 (1991).
DL	Baltz, R. H., "Lipopeptide Antibiotics Produced by <i>Streptomyces roseosporus</i> and <i>Streptomyces fradiae</i> ," in <i>Biotechnology of Antibiotics</i> , 2d Ed., 415-435 (1997).

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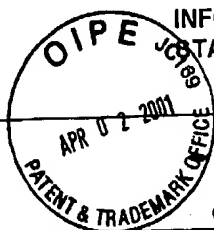
David Lattrell

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<i>DL</i>	Bingen, E. et al. "Bactericidal Activity of Daptomycin Against Vancomycin-Resistant <i>Enterococcus faecium</i> in an in Vitro Pharmacokinetic Model," <i>Eur. J. Clin. Microbiol. Infect. Dis.</i> 10: 1062-1065 (1991).
<i> </i>	Boeck, LaVerne D. et al. "Deacylation of A21978C, An Acidic Lipopeptide Antibiotic Complex, by <i>Actinoplanes utahensis</i> ," <i>Journal of Antibiotics</i> XLI: 1085-1092 (1988).
<i> </i>	Boeck, L. D. et al. "A54145, A New Lipopeptide Antibiotic Complex: Discovery, Taxonomy, Fermentation and HPLC," <i>Journal of Antibiotics</i> XLIII: 587-593 (1990).
<i> </i>	Champlin, Franklin R. et al. "Cell Envelope Impermeability to Daptomycin in <i>Pseudomonas aeruginosa</i> and <i>Pasteurella multocida</i> ," <i>Current Microbiology</i> 21: 367-372 (1990).
<i>↓</i>	Chong, Pei Pei et al. "Physical Identification of a Chromosomal Locus Encoding Biosynthetic Genes for the Lipopeptide Calcium-Dependent Antibiotic (CDA) of <i>Streptomyces coelicolor</i> A3(2)," <i>Microbiology</i> 144: 193-199 (1998).
<i>DL</i>	Debono, M. et al. "A21978C, A Complex of New Acidic Peptide Antibiotics: Isolation, Chemistry, and Mass Spectral Structure Elucidation," <i>Journal of Antibiotics</i> XL: 761-777 (1987).
<i> </i>	Debono, M. et al. "Enzymatic and Chemical Modifications of Lipopeptide Antibiotic A21978C: The Synthesis and Evaluation of Daptomycin (LY146032)," <i>Journal of Antibiotics</i> XLI: 1093-1105 (1988).
<i> </i>	Debono, M. et al. "Synthesis of New Analogs of Echinocandin B by Enzymatic Deacylation and Chemical Reacylation of the Echinocandin B Peptide: Synthesis of the Antifungal Agent Cilofungin (LY121019)," <i>Journal of Antibiotics</i> XLII: 389-397 (1989).
<i>↓</i>	Dong, Mei-Yan et al. "Treatment of <i>Clostridium difficile</i> Colitis in Hamsters with a Lipopeptide Antibiotic, LY146032," <i>Antimicrobial Agents and Chemotherapy</i> 31: 1135-1136 (1987).
<i>DL</i>	Eid, Pascale et al. "Effect of Daptomycin on the Barotropic Behavior of Dioleoylphosphatidylglycerol: An Infrared Spectroscopic Investigation," <i>Chemistry and Physics of Lipids</i> 83: 131-140 (1996).

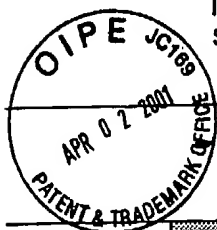
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Eliopoulos, George M. et al. "In Vitro Activity and Mechanism of Action of A21978C<sub>1</sub>, a Novel Cyclic Lipopeptide Antibiotic," *Antimicrobial Agents and Chemotherapy* 27: 357-362 (1985).

Huber, F. M. et al. "The Formation of Daptomycin by Supplying Decanoic Acid to *Streptomyces roseosporus* Cultures Producing the Antibiotic Complex A21978C," *Journal of Biotechnology* 7: 283-292 (1988).

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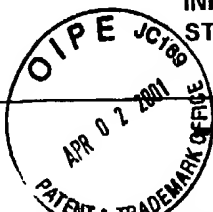
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Lee, Belle L. et al. "Effect of Protein Binding of Daptomycin on MIC and Antibacterial Activity," *Antimicrobial Agents and Chemotherapy* 35: 2505-2508 (1991).Liebowitz, Lynne D. et al. "In Vitro Selection of Bacteria Resistant to LY146032, a New Cyclic Lipopeptide," *Antimicrobial Agents and Chemotherapy* 32: 24-26 (1988).Maget-Dana, Régine et al. "A Comparative Monomolecular Film Study of Antibiotic A21978C Homologues of Various Lipid Chain Length," *Biochimica et Biophysica Acta* 962: 201-207 (1988).Zambias, Robert A. et al. "Preparation and Structure-Activity Relationships of Simplified Analogues of the Antifungal Agent Cilofungin: A Total Synthesis Approach," *Journal of Medicinal Chemistry* 35: 2843-2855 (1992).

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